

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

STARR INDEMNITY & LIABILITY COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 4:14CV160-DMB-JMV

**GLEN FISHER, SR.; TAWANDA FISHER;
G.F., JR., A MINOR, BY AND THROUGH
GLEN FISHER, SR. AND TAWANDA FISHER,
HIS NATURAL PARENTS AND NEXT FRIENDS;
C.F., A MINOR, BY AND THROUGH
GLEN FISHER, SR. AND TAWANDA FISHER,
HIS NATURAL PARENTS AND NEXT FRIENDS,
CINDY MORTIMER, INDIVIDUALLY; CKM PROPERTY
MANAGEMENT; AND JOHN DOES 1-10**

DEFENDANTS

MOTION TO QUASH

COMES NOW Cindy Mortimer, Individually and CKM Property Management and moves to quash a Subpoena Duces Tecum issued to Cindy Mortimer ("Cindy") and CKM Property Management ("CKM") and would show as follows:

1.

That on or about December 15, 2014, Renetha L. Frieson delivered to counsel for Cindy and CKM a Subpoena Duces Tecum.

2.

This Subpoena Duces Tecum required the production of any and all insurance policies insuring that property located at 112 Plum Ridge Road, Greenville, Mississippi.

That the Subpoena Duces Tecum required the production of such insurance policies on or before December 19, 2014 to counsel for the Plaintiff.

3.

That Cindy and CKM would show unto this Court that the issuance and service

of this Subpoena Duces Tecum at this time is outside and not permitted by the Rules of this Court. In fact, issue has only recently been joined in this cause. Furthermore, and pursuant to Rule 26, Federal Rules of Civil Procedure, there is the necessity of the submission of "core disclosures" and the entry of a Case Management Order. All such procedures being required by this Court and addressing the very issue which counsel for the Plaintiff seeks disclosure.

4.

Furthermore, the pending Declaratory Judgment action in this Court has at its very heart the question of the insurance policy which, on information and belief, has been attached to the Complaint and is readily available to all parties and their counsel.

5.

That this Court should enter its Order quashing the Subpoena Duces Tecum and to permit the processes of this Court to "unfold" in that such policy of insurance will be disclosed to all parties in this litigation and furthermore same is attached to the original Complaint as filed in this cause.

WHEREFORE, PREMISES CONSIDERED, Cindy and CKM respectfully requests that the matter herein be set for hearing, if necessary, and this Court enter its Order quashing the Subpoena Duces Tecum heretofore issued.

RESPECTFULLY SUBMITTED, this, the 16th day of December, 2014.

/s/ John H. Daniels, III
JOHN H. DANIELS, III, MSB #5787
Attorney for Cindy Mortimer, Individually
and CKM Property Management

OF COUNSEL:

DYER, DYER, JONES & DANIELS, P.A.
149 North Edison Street
Post Office Box 560
Greenville, MS 38702-0560
Telephone: (662) 378-2626
Facsimile: (662) 378-2672

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2014, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Clyde X. Copeland, III, Esq.

Fenetha L. Frieson, Esq.

/s/ John H. Daniels, III
JOHN H. DANIELS, III, MSB #5787